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Letter dated 14 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Guinea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: French]

Note verbale dated 12 March 2002 from the Permanent Mission of Guinea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Guinea to the United Nations in New York presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, in accordance with operative paragraph 6 of the resolution, has the honour to submit to him the report of the Republic of Guinea (see enclosure).

Enclosure

Report submitted by the Republic of Guinea to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

For some years, the fight against terrorism has been one of the major concerns of the international community. The determination to fight this phenomenon has created and maintained solidarity among States, despite the differences in the degree to which they suffer from its effects, since some of them have never experienced terrorism.

The Republic of Guinea welcomes the unanimous positions taken by the international community following the events of 11 September and the adoption of the United Nations resolutions and recommendations in order to combat terrorism effectively and collectively.

The Republic of Guinea, following the example of all the Member States of the United Nations, unreservedly condemns all forms of terrorism from wherever it may originate, whosoever perpetrates or sponsors it, and whatever their motivations.

It considers that, in a civilized world, terrorism is one of the most cowardly and treacherous acts that man can commit against his fellow men.

The scope and consequences of terrorism and terrorist threats have led States and the international community to unite in the struggle to eliminate them.

The Republic of Guinea considers that the fact that a State has not suffered from terrorist acts should in no way exclude it from the international community's common endeavour of eradicating terrorism. Consequently, Guinea has established pertinent provisions in its Penal Code to prevent and suppress any terrorist threat or act.

The financing of terrorist acts appears in the Code as an act of complicity and is punished under articles 51, 53 and 54.

The Republic of Guinea has no specific legislation on the financing of terrorist acts as yet, nor does it have specialized structures to combat terrorism. Acts defined as terrorism are regulated by the rules of preliminary investigation and trial proceedings established for criminal acts under general law.

In addition to the provisions concerning terrorism in Guinea's Penal Code, the country's national courts have competence to try any terrorist act or terrorist threat that is contemplated in and punished by the international conventions to which Guinea is a party. This provision stems from article 79 of the Guinean Constitution, which places norms of international law above domestic law and which stipulates: "Treaties or agreements which have been duly approved and ratified shall have from their date of publication a superior authority to that of laws, subject to reciprocity". In case of duplication, the national law shall be eliminated or adapted to the norm of international law.

In order to facilitate the implementation of these provisions, the Republic of Guinea intends to accede to all those international conventions relating to counter-terrorism to which it is not yet a party. The procedure is under way, but there have been some technical difficulties and, to resolve them, assistance is needed in order to modify domestic legislation and adapt it to the conventions.

The Republic of Guinea is prepared to overcome all the difficulties that are delaying its accession to the international legal instruments in order to implement them. It considers that, in this way, it will facilitate the suppression of the phenomenon of terrorism at the domestic level and contribute to international cooperation in this area. In this respect, it endorses the adoption of the International Convention for the Suppression of the Financing of Terrorism and the elaboration of the draft comprehensive convention on international terrorism.

For some years, the fight against terrorism has been the subject of institutional cooperation within the Organization of African Unity (OAU) and the Economic Community of West African States (ECOWAS), as is shown by the adoption of the OAU Convention on the Prevention and Combating of Terrorism and the African Convention on Mutual Legal Assistance (A/P.1/7 1992). The Republic of Guinea supported the elaboration of all these instruments and endorses their provisions.

Paragraph 1

(a) What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

In general, the monitoring mechanism in the Guinean financial system is based on respect for the principles of the Basel Committee on Banking Supervision.

In view of the increasingly destructive effects of terrorist acts throughout the world and their negative impact on the stability of national financial systems, the Central Bank of the Republic of Guinea is considering including in its bank monitoring mechanism in the near future the systematic control of private financial flows into the Republic of Guinea and of the portfolios of loans granted by the banks to certain entities deemed to be sensitive.

In this context, Guinea would appreciate the technical assistance of the Counter-Terrorism Committee in relation to the detection of the more sophisticated channels and mechanisms for money-laundering and the identification of groups and entities deemed to be sensitive.

A special training module for the corps of bank inspectors of the Central Bank of the Republic of Guinea could be defined by agreement between the parties. Subsequently, this training would be expanded to the officers responsible for the "foreign services" of commercial banks.

International cooperation in this respect could take the form of strengthening the means of action of the Inter-governmental Action Group against Money Laundering (GIABA) by establishing a database that can be used by all central banks.

(b) What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

The Guinean Legislature has not yet defined the financing of terrorist acts as a specific offence.

However, as envisaged in paragraph 1 (b) of Security Council resolution 1373 (2001), this type of financing is punishable in Guinea as an act of complicity pursuant to articles 51, 53 and 54 of the Penal Code.

The relevant procedure is:

To define as an accessory:

- Any person who by donations, promises, abuse of authority and power, intrigues or plots, incites a terrorist act or gives instructions for it to be committed (Penal Code, art. 54.2);
- Any person who obtains weapons, instruments or any other means that are used for the act, knowing that they are to be used for it (Penal Code, art. 54.3);
- Any person who, with full knowledge, helps or assists the main perpetrator or the perpetrators of the act directly, in preparing, facilitating or carrying it out, without prejudice to the penalties established in special texts (Penal Code, art. 54.4);
- Any person who, aware of the criminal conduct of those who carry out attacks or acts of violence against State security, the public order, individuals or property, provides them with accommodation, a meeting place or a place to hide (Penal Code, art. 54.5).

Under the terms of article 53 of the Penal Code, accessories to a crime or an offence are subject to the same penalties as the perpetrators themselves.

Terrorist acts are punished by article 507 of the Penal Code, which provides that "Any terrorist act shall be punished by a sentence of 10 to 20 years' imprisonment. Should such an act result in the death of one or more persons, the person or persons responsible shall be sentenced to the death penalty. Attempting to commit the crime set forth in this article shall be punished in the same way as the crime itself".

(c) What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The following procedure is used to freeze assets held in the banks and financial institutions of the Republic of Guinea:

The request for the freezing of the assets is sent to the Ministry of Justice, which proceeds to examine the request.

Once the legitimacy of the request has been established, the judge sends a blocking order to the Central Bank in order to execute the measure.

The Central Bank sends out an inspection mission to the location in question, which blocks the account and reports back to the monetary authorities.

Based on this report, a notification of asset-freezing is sent to the banking institution concerned, which proceeds to transfer the balance to the Central Bank. The freezing is carried out directly if the account is domiciled at the Central Bank.

(d) What measures exist to prohibit the activities listed in this subparagraph?

The reply to this subparagraph appears in the preceding paragraph.

Paragraph 2

(a) What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

There is no legislation specifically prohibiting recruitment to terrorist groups, but such activities are punishable in Guinea under the provisions on "criminal association" (article 269 et seq. of the Penal Code).

The supply of weapons to terrorists is an offence in Guinea under article 505, paragraphs 3, 4, 5 and 6 and article 506 of the Penal Code.

(b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

Since terrorist acts are supported and inspired by organized structures, combating terrorism must also include prevention, within the framework of the exchange of information at the bilateral and multilateral levels.

(a) At the bilateral level:

Within the framework of bilateral cooperation, Guinea maintains specific contacts with other States for exchanging information on transborder crime.

In addition to the States, the specialized intelligence services cooperate closely with one another on the basis of existing legal instruments between the Governments.

(b) At the multilateral level:

The Republic of Guinea is a founding member of the OAU. As such, it supports all the regional and subregional conventions on security.

In this connection, it is a party to all the ECOWAS treaties on security and to the treaties on transborder security between the States members of the Mano River Union.

These various instruments facilitate the exchange of information and intelligence on the activities in question and on other activities affecting the security of member States.

Early warning mechanisms for exchanging information with other States:

Terrorism is a form of crime which needs to be tackled both by the specialized services and by the Central Bureau of the Criminal Investigation Service.

Regarding cooperation, the Guinean security services maintain contacts with their foreign counterparts for exchanging information of a confidential and operational nature.

In this connection, Guinea is satisfied with the quality of its relations with the International Criminal Police Organization (Interpol), of which it is a member; the effectiveness of Interpol and the quality of its infrastructure and means of communication guarantee success in pursuing suspicious persons. This organization also constitutes a warning mechanism.

The Republic of Guinea has available to it, through the National Central Bureau of Interpol, an effective communication tool in the form of the X400 messaging system, which, in addition to its usual functions, is a warning mechanism capable of giving the alert to any criminal investigation service in the world.

At the domestic level, in addition to the activities of the specialized services, all the other security services cooperate in seeking and identifying groups and networks that may be harbouring or supporting, directly or indirectly, any group likely to perpetrate terrorist acts.

However, the specialized service in this area, though not lacking initiative, does not have the logistical means to fulfil its preventive function.

(c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph?

There is no specific law for excluding terrorists from the national territory or refusing them safe haven.

This is also true of the expulsion of terrorists.

However, the Republic of Guinea, pending the enactment of appropriate laws, may take administrative measures to exclude or expel terrorists or groups of terrorists from the national territory, once they are identified.

(d) What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens?

There is no law to prevent terrorists acting from the national territory against other States or citizens of those States.

(e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

Terrorist acts, as defined by article 505 of the Penal Code, incur punishments ranging, according to the circumstances, from 10 years' rigorous imprisonment to the death penalty.

The sentences are thus sufficiently heavy to demonstrate Guinean legislators' concern about terrorist acts.

It should be made clear that severe punishments were decided on because of their deterrent and preventive effect, since Guinea has yet to experience any terrorist activities.

Consequently, no sentence has yet been passed in this respect.

(f) What procedures and mechanisms are in place to assist other States?

Given that Guinea is not yet a party to all the United Nations conventions against terrorism and taking into account its limited resources, it has not yet been able to provide assistance to other States.

However, within the framework of bilateral and multilateral cooperation, it conducts exchanges of information with its partners.

(g) How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

1. The control of the movement of persons at land and maritime borders and at international airports (emigration and immigration) with a view to detecting wanted persons and persons who are under surveillance is mainly effected by the air and border police.

In this regard, it is necessary to distinguish between:

- The movement of nationals, which is subject to the presentation of a Guinean travel document (passport, ECOWAS travel book, travel warrant, etc.); and
- The movement of aliens: with the exception of countries that have signed reciprocal agreements with Guinea, the conditions for the entry and stay of aliens are governed by Act L94/CTRN.

In this connection, any alien entering the Republic of Guinea is obliged to obtain beforehand an entry visa, which must be duly displayed in his or her travel document.

It should be pointed out that the fact that a country is exempted from the entry-visa requirement by virtue of a reciprocal agreement does not preclude the competent authorities from exercising broad police powers to prohibit entry into the national territory on public safety grounds. In addition to immigration control, our activities extend to identifying aliens from targeted countries that may be harbouring terrorist networks. To this end, such persons are asked for information concerning their connections in Guinea and their origins, which is then transmitted to the intelligence services. Given the new demands of combating terrorism, security and safety checks at airports and land and maritime borders have been strengthened.

The conditions for the granting of Guinean entry visas are as follows:

- Identification of the recipient;
- Verification of the credibility of the applicant;
- Presentation of a photocopy of the recipient's passport.

2. Procedure for the issuance of identity papers and travel documents:

• Identity papers are issued on presentation of:

- A birth certificate;
- A certificate of residence;
- A national census card;
- A certificate of nationality.

Also, the applicant must be physically present for fingerprinting, and checks are made to ensure that he or she has not already received the document requested.

• Issuance of Guinean travel documents is subject to:

- Physical presence of the applicant;
- Presentation of the National Identity Card, a copy of which is attached to the file;
- Conduct by a police officer, in one of the country's national languages, of an interview in order better to evaluate the applicant's citizenship.

The Guinean passport, which is issued by the Central Bureau of the air and border police, in conformity with the norms of international law, has 13 security features.

In addition to these security measures, a system of scanning and digitizing passport photographs has recently been instituted to curb falsification of travel documents through the substitution of photographs.

However, the Guinean security services face a number of difficulties which seriously hamper their operations. These difficulties include a lack of equipment for the screening of documents, detection of questionable objects (arms and ammunition), particularly magnifiers, ultraviolet lamps, manometers, computer equipment for the installation of a national information network linking decision-making bodies at the various borders, and a shortage of qualified personnel.

These problems require assistance in the context of the fight against terrorism which has been the focus of attention of the international community since the events of 11 September 2001. The security services are therefore expressing an urgent need for improved means of communication, transport and information in order to augment their operational capacity and harmonize their efforts with those of their partners in the global struggle against terrorism. There is also the further need to train security officers and agents.

Paragraph 3

(a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

The Guinean security services firmly believe that the exchange of operational information between specialized services constitutes one of the most effective means of combating terrorism and, to that end, work in close cooperation with their counterparts in the subregion in order to intensify the struggle against transnational crime. This measure has been supported and encouraged by the Heads of State of these countries.

As a preventive measure against terrorism, ongoing bilateral cooperation facilitates the exchange of operational information between the Guinean security services and their foreign counterparts.

(b) What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

There is a special service within the national police force called the Direction Centrale de la Surveillance du Territoire et des Voyages Officiels (DCSTVO).

Among other things, it is responsible for research, prevention, neutralization and suppression of activities inspired, carried out and supported by foreign countries, groups or individuals which threaten national security. It is also involved in gathering intelligence and providing protection for government and foreign officials in the Republic of Guinea.

In that regard, it liaises with other foreign services in the processing and use of information necessary for intelligence and for guidance to the Government.

These responsibilities make it directly involved in the efforts to combat terrorism and all forms of comparable crime. The fight against terrorism has therefore been a major concern for several years.

It is in this spirit that the Guinean Government approved Security Council resolution 1373 (2001) and welcomes the establishment of the Committee to monitor its implementation.

(c) What steps have been taken to cooperate in the areas indicated in this subparagraph?

The Republic of Guinea has not yet become a Party to all the conventions and protocols indicated in this subparagraph. However, it is aware of the great importance of these legal instruments with respect to the fight against terrorism. Guinea intends to accede to them and to participate in their implementation since it does not wish to be left behind in this common and major effort to combat terrorism.

(d) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The Republic of Guinea has signed six (6) conventions on counter-terrorism and measures are being adopted for their implementation.

Guinea is ready to accede to all the international legal instruments on counter-terrorism.

(e) What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status?

From 1990 onwards, the Republic of Guinea experienced the influx of the first waves of refugees crossing its southern and south-western borders following the deadly conflicts in Liberia and Sierra Leone. Thousands of people were received and sheltered by the local populations without any prior conditions, and these local groups shared everything, food, lodging and even cultivable land, without any external assistance. No mechanism for determining refugee status had been established at that time and there was no legislation to regulate this area.

After receiving refugees exceeding 10 per cent of the local population, and in an effort to facilitate its collaboration with the humanitarian institutions which came to provide their assistance in the management of these persons, in 1990 the Government of Guinea signed a headquarters agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) which coordinates the humanitarian assistance provided to refugees.

In 1991, the Bureau National de Coordination des Réfugiés (BNCR) was established by the Government to act as its intermediary with the humanitarian agencies. This body is comprised of representatives of the Ministry of Territorial Administration and Decentralization, the Ministry of Foreign Affairs and Cooperation, the Ministry of Public Health, the Secretary of State for Security, the Ministry of Social Affairs and the Ministry of Defence.

Within BNCR an eligibility committee composed of all the members of BNCR and UNHCR was formed. Within the eligibility committee, a preparatory committee comprised of three members was established. In 2000, Act No. L/2000/012/AN on refugee status in the Republic of Guinea was adopted and promulgated. Among the underlying reasons for the establishment of these mechanisms was the need to determine the status to be granted to applicants; it had been noticed during periods of hostilities in the countries of origin of refugees living in the accommodation centres that some of them had light arms and ammunition which they used against other refugees who did not share their political allegiance, and they killed and raped innocent persons living in the accommodation centres.

Thus these mechanisms and laws became operational and they function according to the following procedure:

- Upon arrival in Guinea, the refugee submits an application for asylum to the preparatory committee, which considers the application and verifies its compliance with the Geneva, OAU and ECOWAS conventions on humanitarian law and Act No. 012.

The preparatory committee prepares the presentation of the applicant before the eligibility committee.

At this level, investigations and interviews are carried out with respect to the applicant. These investigations cover, inter alia, the moral standards of the person, his legal history, the reason for his departure and his activities in his country of origin, the choice of Guinea for asylum and his activities there.

If doubts or suspicions emerge, the Guinean security services consult their counterparts in the applicant's country of origin in order to obtain further information. It is often the case that the UNHCR becomes involved in seeking additional information.

It should be noted that consultations held within a bilateral framework have always proved effective in the area of the exchange of operational information and intelligence.

If a person is deemed ineligible for refugee status, he is notified of the decision and the security services take up the case to carry out additional inquiries. The police investigations often result in a decision to repatriate. No legal action has yet been taken against a person whose application for asylum has been rejected.

Persons to whom refugee status has been granted are treated in accordance with Act No. 012 and related international legal instruments.

(f) What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists.

Under the laws currently in force, no confusion is possible between refugee status and the status of a terrorist who is a criminal under ordinary law. In any event, requests for extradition which observe the provisions of articles 653 and onwards of the Code of Criminal Procedure are always favourably received.

Paragraph 4: Assistance

The Republic of Guinea is requesting the assistance of the Committee in the following areas:

- With respect to the Central Bank, assistance is required in the detection of the more sophisticated channels and mechanisms for money-laundering and the identification of groups and entities deemed to be sensitive. The training of a corps of banking inspectors is also requested.
- With respect to the Ministry of Justice, the following assistance is requested:
  - The preparation of a bill defining and punishing the financing of terrorist networks.
  - The training of magistrates in the detection of techniques used in the financing of international terrorism.
  - With respect to the security services, it would be desirable to improve the training of security officers and agents and to have the benefit of improved means of communication, transport and information in order to increase their operational capacities to harmonize their efforts with their partners.

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Letter dated 15 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Cameroon, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-29106 (E) 160502

Annex

[Original: French]

Note verbale dated 14 March 2002 from the Permanent Mission of Cameroon to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Cameroon presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to submit herewith a report prepared by the Republic of Cameroon pursuant to that resolution (see enclosure).

The Permanent Mission of the Republic of Cameroon to the United Nations takes this opportunity to convey to the Committee the renewed assurances of its highest consideration.

Enclosure

Report submitted by Cameroon to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The people of Cameroon were horrified by the tragic terrorist attacks perpetrated against the United States of America on 11 September 2001.

The disastrous consequences of those horrific acts, images of which were relayed immediately to television viewers the world over, had an immediate effect of not only a surge of horror and fear but also the emergence of a feeling of global solidarity and compassion for those who had experienced those acts directly. The unanimous and vehement condemnation that followed bears witness to the degree of repulsion aroused by such barbarous and unjustifiable acts.

Cameroon, through its President, immediately sent a message of sympathy and solidarity to the American people, resolutely condemning those hateful attacks. That clear-cut condemnation was reaffirmed on many occasions from the rostrum of the United Nations in New York as well as in many other international forums. Special mention was made of it in the final communiqué issued at the end of the third regular session of the Conference of Heads of State of the Central African Economic and Monetary Community (CEMAC), held in Yaoundé from 7 to 9 December 2001. Furthermore, President Paul Biya, in his end-of-year greeting to the diplomatic corps accredited to Yaoundé, spoke at length about the painful events of 11 September and expressed his firm condemnation of them.

Beyond the expressions of condemnation, however, individual and collective action of States is urgently required to deal with the scope and nature of the danger, which has taken an unprecedented form and expression.

In that connection, Cameroon has a general legal framework that enables it to respond to such a situation, pending the adoption of more extensive and specific legislation on terrorism. The Head of State has the possibility of invoking the provisions of article 9 of the Constitution of Cameroon in the event of a serious threat, and the Penal Code of Cameroon provides various punishments for offences whose effects make them similar to acts of terrorism. The legal system of Cameroon has laws, albeit of recent date, to combat terrorism, in particular for the suppression of offences and acts directed against the security of civil aviation. Within the context of the reform of the legal system of Cameroon, it is envisaged that the Penal Code will be amended in order to penalize more specifically those offences that, like terrorism and its various forms and manifestations, are now covered only by association or assimilation with other provisions of the Code.

At the same time, it should be borne in mind that the constitutional principle that allows conventional norms to prevail over domestic law in Cameroon ipso facto gives the provisions of international instruments on terrorism to which Cameroon has already acceded the force of law before the judicial and administrative authorities.

Thus, Cameroon fully supports the codification work being carried out by the United Nations and by regional and even subregional bodies to eradicate terrorism. Furthermore, Cameroon is striving to ensure the implementation of the resolutions

adopted to combat this scourge. It is in this spirit that Cameroon is submitting this report to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, in the question-and-answer style proposed by the Council.

Paragraph 1

Subparagraph (a) — What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

Cameroon has legislation enabling it to prevent the financing of activities whose purposes are suspicious.

Act No. 63/4 of 19 June 1963, which provides for the application, in the territory of the Republic of Cameroon, of foreign exchange controls in the franc zone, includes provisions that, while not specifically aimed at terrorist activities, help to prevent the financing of such activities. Violations or attempted violations of the provisions of laws relating to assets abroad and to inventories of such assets are punished and violations or attempted violations of the foreign-exchange regulations are detected, prosecuted and punished. For example:

- All transfers must be justified and authorized in advance; this also applies to loans and investments abroad;
- Economic grounds are decisive in obtaining authorizations for transfers.

Terrorism and the provision, collection or making available of funds referred to in subparagraphs 1(b) to 1(d) are not recognized as economic grounds under the rules governing foreign exchange.

Article 16 of the Act mentioned states that: "Physical and juridical persons who, under the foreign-exchange regulations, are required to declare the foreign assets they hold in the territory of the Republic of Cameroon, may be compelled by officials authorized to investigate violations of the foreign-exchange regulations to justify the existence of such assets at any time." Anyone who is unable to justify the existence of assets by means of declarations, or the disappearance of such assets owing to force majeure, is subject to penalties.

Officials authorized to investigate violations of the foreign-exchange regulations may, within the limits of the law, conduct home visits anywhere, as they deem necessary, in the search of such infractions (article 5).

Furthermore, the Minister for Finance, in his circular letter No. 624/MINF/DCE of 5 November 1983, ordered the directors general of banks to strengthen their monitoring of the execution of transfers. In that connection:

- No derogation is allowed for operations which are subject to foreign exchange controls;
- Other transfers require a prior declaration, as provided in article 3 of inter-ministerial decree No. 269/MINFI/MINDIC/MPT of 5 September 1973;
- Transfers that have no precise purpose shall not be executed;
- Appropriate supporting documents are required for all transfers;

- Banks are required to declare any suspect operation to the monetary authorities, in particular any transfer that is suspicious because of the amount or alleged purpose.

Subparagraph (b) — What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Currently, with no manifestations of terrorism in the country, the criminal law of Cameroon makes no specific mention of the wilful provision or collection of funds intended for the perpetration of terrorist acts. This in no way means that such acts are tolerated or can go unpunished.

In general, the prohibition and suppression of the financing of terrorist acts in Cameroon would rely on a combination of article 97 of the Penal Code, concerning complicity, and other provisions of the national legislation that punish terrorist acts as such or acts that can be assimilated to such acts.

Under article 97, anyone who:

(a) Incites others in any way to commit an offence or gives instructions for the commission of an offence;

(b) Assists or facilitates the preparations for or the commission of an offence;

is an accomplice to a violation categorized as a crime or an offence.

Paragraph 2 specifies that attempted complicity is considered the same as complicity.

It should be noted that there may be complicity or attempted complicity even when the main perpetrator of the offence enjoys some kind of impunity or is incompetent (a minor, an insane person). Even if the main perpetrator of the offence is acquitted owing to lack of criminal intent, an accomplice can be prosecuted and punished if it can be established that he used the main perpetrator to commit the offence. He then becomes the main perpetrator.

This would be the case if a person placed a bomb in an airline passenger's luggage without the passenger's knowledge.

This would also apply to an animal trained to kill or attack. The trainer simply becomes the main perpetrator.

Finally, this would also apply to someone who helped others in any way (by financial means in particular) to commit terrorist acts.

As for punishment, all perpetrators and accomplices are subject to the same penalty as the main perpetrator (article 98 of the Penal Code).

Under Act No. 63/4 of 19 June 1963, violations or attempted violations of the foreign-exchange regulations are punishable by one month to five years' imprisonment and/or a fine of from 5,000 to 10 million francs CFA.

Besides that penalty, the court is required to order the confiscation of the property involved (the goods, movable or immovable property involved in the offence), whether the offence consisted of a prohibited operation or of a failure to make a declaration, deposit or transfer. If the property is not confiscated, the court

must impose a fine equal to the value of the property involved plus any illegal profit that the criminals made or wanted to make.

Turning to another area, collecting funds through public solicitation requires prior approval by the Ministry of Territorial Administration, which is guided by considerations of whether the proposed operation is in the public interest.

Clearly, appeals to the generosity of the general public in order to collect fund intended to finance terrorist acts could neither be contemplated nor authorized.

Subparagraph (c) — What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

In addition to sentences entailing deprivation of liberty and fines, certain additional penalties may be imposed (forfeiture, closure of the establishment, and confiscation, under article 19 of the Penal Code), and security measures may be taken to prevent recurrence (a ban on exercising the profession, relegation and measures of surveillance, under article 20 of the Penal Code).

These various measures may be taken to freeze assets held by persons found guilty of terrorist acts. The measures may even entail the closure of financial establishments found guilty of complicity in such acts.

With regard to the closure of the establishment, article 34 of the Penal Code provides that "in cases where the court may order the closure of a commercial or industrial establishment or a professional office used in the commission of an offence, this measure entails prohibition of the convicted person or a third party to whom the convicted person sold, conveyed or leased the establishment or professional office, from exercising, in the same premises, the same trade, the same industry or the same profession."

Article 35 provides that "in the case of a crime or an offence, the tribunal or court may order the confiscation of all property, whether movable or immovable, belonging to the convicted person and its attachment, where it has been used as an instrument to commit the offence or is the product thereof". Articles 118, 119 and 120 of the Penal Code provide for special measures of confiscation when State security is threatened.

Under article 36 of the same code, "prohibition of the exercise of a profession may be imposed on convicted persons for a crime or an offence under general law when it is noted that the offence committed is directly related to the exercise of the profession and that there are serious risks that such exercise will cause the convicted person to repeat the offence ..."

These general provisions may already provide for the freezing — admittedly a posteriori — of assets and accounts.

The National Credit Council and the Central African Banking Commission (COBAC) also offer substantial means of control over assets and accounts.

For its part, the Ministry of the Economy and Finance, as the monetary authority, is competent to decide on the freezing of funds financial assets or economic resources in banks and financial institutions. As already indicated, it

exercises sole power, under Act No. 694 of 19 June 1963, to investigate violations of the foreign-exchange regulations.

Accordingly, a circular dated 14 December 2001 from the Minister of the Economy and Finance was addressed to all credit establishments, to the General Secretariat of the Professional Association of Credit Establishments (APECCAM) and to the National Director of the Bank of Central African States (BEAC).

By this circular, the Minister prescribed the freezing, in local banks, of the financial assets of persons and organizations presumed to have engaged in terrorism. The list of physical and juridical persons considered to be terrorists is enclosed herewith.

In their response, the banks declared that to date they had had no business contacts with terrorists. They are engaged in an effort of solidarity with the Government in order to be doubly vigilant in ensuring the observance of Security Council resolution 1373 (2001) of 28 September 2001.

Moreover, as part of the monitoring of movements of capital and action to combat money-laundering, officials of the Ministry of the Economy and Finance pay three-monthly visits to the banks, and thus the effective implementation of resolution 1373 has now become one of the objectives of this surveillance.

Subparagraph (d) — What measures exist to prohibit the activities listed in this subparagraph?

As soon as the absence of acknowledged economic grounds is established, Cameroonian regulations prohibit nationals or any person or entity in Cameroon from placing funds, financial assets, economic resources, financial services or related services at the disposal of persons implicated in terrorist activities.

In other words, while awaiting the adoption of a specific text on this point, it is possible, through exchange control and the monitoring of capital movements, to satisfy the concerns of subparagraph (d).

Paragraph 2

Subparagraph (a) — What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Although the current context requires specific legislation concerning offences relating to terrorism, the Penal Code contains provisions enabling such offences to be suppressed. This applies to:

- *any association of malefactors*: (suppression of conspiracy under articles 9 and 95). Under article 9 of the Penal Code, "a conspiracy exists when the intention to commit an offence is concerted and decided upon by two or more persons ... The conspiracy to commit a crime or an offence — unless suspended or unless it had no effect, owing to circumstances independent of the will of the authors — is itself regarded as a crime or an offence".

– *dangerous preparations*: article 248 of the Penal Code imposes "a term of imprisonment of 20 days to one year on any person who, with a view to committing a crime or an offence, carries an instrument that could be used to force the door of a building. This purpose is always presumed when such acts are committed at night".

– *vagrancy*: under the terms of article 247 of the Penal Code, "any person shall be regarded as a vagrant and punished with imprisonment of six months to two years who, having been found in a public place, can show no evidence of a specific domicile or means of subsistence. The penalties are doubled:

  • if the vagrant is found to be carrying arms or an instrument that could be used to commit an offence;

  • if the vagrant has committed or tried to commit any act of violence whatsoever against persons".

– *armed bands*: article 115 of the Penal Code imposes life imprisonment on any individual who, with the aim of fomenting secession, civil war or revolution, or of preventing the public authorities from acting against the authors of such crimes, organizes an armed band or exercises a function or a command of any kind within it or participates with that band in the commission or the attempted commission of such crimes;

– Any individual who has participated in the formation of such band shall be punished with a term of imprisonment of 10 to 20 years;

– Any assembly of at least five persons one of whom is carrying a weapon, whether overtly or covertly, shall constitute an armed band.

As to the possibility that terrorists might be able to acquire firearms, no provision in Cameroonian regulations relating to firearms enables this eventuality to be envisaged.

In fact, arms and munitions classified as "war materiel" are governed by special regulations that concern primarily the national defence forces, which alone are authorized to be equipped with such materiel, in the context of the sovereign mission to protect the integrity of the national territory devolved upon the Cameroonian State under its constitution, the law of nations, and international customs.

With regard to firearms that use the explosive force of gunpowder, the acquisition (import, sale or transfer), possession or carrying thereof in a personal capacity, as well as the establishment of private depots of arms and munitions for commercial use, including hunting, shall be governed by the provisions of Decree No. 73/658 of 22 October 1973. As a general rule, the regime applicable here is that of authorization issued by the administrative authority (art. 5). Such prior authorization shall be granted only to persons reputed to be of good moral standing, following inquiries conducted by specialized services. In the case of private depots of arms and munitions for commercial use, regular monitoring of stocks — which shall bear a mark — is carried out once every three months, whether in stores or in repair workshops.

The Cameroonian specialized services also maintain a register of arms in the possession of foreign nationals.

Article 20 of the aforementioned decree provides, without prejudice to the application, where necessary, or articles 237 and 238 of the Penal Code and the relevant provisions of the Customs Code, for the suppression of offences against the regulations thereby instituted. The penalty may consist of a fine, a term of imprisonment or confiscation of the weapon unlawfully possessed.

Subparagraph (b) — What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

Various measures have been adopted by our security services to prevent the commission of terrorist acts. Among them, the following may be cited:

- Assessment and surveillance of sociological structures and groups that might serve as fertile soil or a focal point for terrorist activities;
- Guarding of sensitive points;
- Identification of non-residents;
- Reinforcement of routine control of identification cards and travel documents with particular emphasis on frontiers;
- Creation and formation of specialized units in the fight against terrorism;
- Strengthening of security at airports;
- Escorting of convoys along routes that may be subject to threats.

With regard to early warning mechanisms for the exchange of information with other States, mention may be made of the dissemination among States in the Central African subregion as well as among States members of the International Criminal Police Organization (Interpol) of information relevant both in the war against transnational organized crime (illicit drugs, money-laundering, arms trafficking, etc.) and in any other field having close links with terrorism. This activity is conducted either by the National Central Bureau of Interpol attached to the Office of the Director-General of Security or by specialized centres in other services.

Subparagraph (c) — What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Act No. 97/012 of 10 January 1997, establishing the conditions for foreign nationals to enter, reside in and depart from Cameroon, and its implementing decree simplify the procedures for refoulement, escort back to the border and expulsion. Also, the police chief of a border post may deny entry into the national territory to any suspicious-looking foreign national, even when the latter is in possession of an entry visa.

Subparagraph (d) — What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Desiring to have friendly relations of cooperation and solidarity with other peace-loving States, in accordance with the ideals of the Charter of the United Nations and that of the Organization of African Unity, and respectful of the principles of the law of nations, Cameroon could not allow its territory to serve as a "rear base" for the perpetration of terrorist acts against other States or against the nationals of those States. Indeed, all foreign nationals residing in Cameroon have the obligation to respect the laws and regulations that are in force and to act with discretion. Several provisions of the Cameroonian Penal Code, mentioned under paragraph 2, subparagraphs (a) and (b), and other legislative provisions mentioned under subparagraph (e) below, allow us to avoid Cameroonian territory being used as a virtual or real sanctuary for terrorist activities.

Subparagraph (e) — What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Act No. 2001/109 of 18 December 2001 punishes offences and acts against the safety of civil aviation. This act expressly introduces the criminalization of terrorism into the sphere of Cameroonian criminal procedure and law. It also includes specific provisions to combat acts of unlawful interference with the safety of civil aviation. Eleven types of behaviour ranging from hijacking aircraft to the transport of unmarked explosives are now defined as terrorist acts punishable by life imprisonment or the death penalty (articles 4 and 10 of the act).

However, this act deals with only one aspect of terrorist criminality (article 1); owing to its sectoral nature, it is still insufficient. This is why Cameroon is about to enact comprehensive legislation to prosecute and punish terrorism and all its ramifications.

The Penal Code also includes offences corresponding to crimes which are related to the usual motives, manifestations or consequences of terrorist acts, but cannot be prosecuted or punished as terrorism.

These include:

- related offences, punishable as attacks against the internal or external security of the State (damage to buildings, facilities or equipment in order to harm national defence — article 103; revolution consisting in the use of force to modify the constitutional laws or to overturn the political authorities in place — article 114);
- offences punishable within the general framework of attacks on public safety (arson, setting fire to land, sea or air vehicles containing persons, or the explosion of mines — article 227) or property (destruction of buildings, structures, ships or installations — article 316-2);
- indictments allowing punishment of the consequences of acts of terrorism within the general framework of attacks on the physical safety of individuals (articles 275, 276, 277, 278, 279, 280 and 281 of the Penal Code punishing

murder, assassination, serious injury, fatal blows, blows causing serious injury, simple injuries and light injuries).

All these offences are punishable by sentences ranging from the death penalty to life imprisonment or rigorous prison sentences.

In view of their seriousness, several other offences included in this Code or in other laws seem to have been envisaged as being a threat to humanity, in particular:

- piracy (article 292 to 300 of the Merchant Marine Code);
- trafficking of persons;
- slave trading (article 293 of the Penal Code);
- drug trafficking (Act No. 97-19 of 7 August 1997 on drugs and psychotropic substances).

It is worth noting that there is still no Cameroonian jurisprudence on terrorism, owing to the absence of litigation in this sphere.

Subparagraph (f) — What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

A judicial cooperation mechanism is in effect in Cameroon. Act No. 64/LF/13 of 26 June 1964, modified and supplemented by Act No. 97/010 of 10 January 1997, establishing the extradition system, along with the general judicial cooperation convention (of Tananarive) that links Cameroon to Madagascar and 10 African countries (12 September 1961), bilateral judicial cooperation agreements, particularly with Mali (6 May 1964), France (21 February 1974) and Zaire, now the Democratic Republic of the Congo (11 March 1977), the Interpol agreements, and the United Nations Convention against Transnational Organized Crime signed at Palermo in December 2000, allow for the extradition of offenders who are in Cameroon. These various instruments also offer Cameroon the possibility of playing an effective role in international investigations.

Furthermore, Cameroon signed a cooperation agreement on criminal police matters with seven other Central African States in Yaoundé, in April 1999. Cameroon ratified this agreement by presidential decree No. 2001/274 of 24 September 2001.

By this text, the Central African States, anxious to ensure better protection of the nationals of the countries of the subregion and their property, agree to remedy the institutional and legal shortcomings observed in the area of police cooperation. It provides that the National Central Bureaux (NCB-Interpol) will act as liaison points between the criminal police services of the contracting parties. The latter agree to accept investigation missions of the criminal police of the other contracting parties in their respective territories.

Cameroon is a member of Interpol and uses the organization's mechanisms to achieve the objectives of paragraphs 2 and 3, subparagraphs (f) and (c), respectively.

Subparagraph (g) — How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

Since 11 September 2001, controls have been reinforced along all the Cameroonian borders and foreign nationals entering, living in and departing from Cameroon are registered in a special file.

In general, the information received at the borders is immediately processed by the specialized services.

The Cameroonian passport is secure, both in terms of its technical design and through the use of new technologies, while the issuance procedure includes a police investigation that can result in the discovery of false documents.

Entry visas are issued by diplomatic and consular offices. It should be mentioned, however, that the possession of a visa does not automatically give a person the right to enter Cameroon. In any case, special attention is paid to travellers from certain countries.

The granting of visas at the point of entry, which was previously one of the duties of the officers in charge of border posts, is now reserved solely to the Director-General of Security who gives his authorization after appropriate investigation.

National identity cards and foreign residence permits are computerized and the procedure for issuing them includes several investigative stages.

Paragraph 3

Subparagraph (a) — What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Subparagraphs (b) and (c)

(b) What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

(c) What steps have been taken to cooperate in the areas indicated in this subparagraph?

Here again, paragraph 2 (f) gives a general idea of the extent of cooperation between Cameroon and other countries in the areas of the exchange of information and the negotiation of bilateral and multilateral agreements or arrangements. In addition to these various legal frameworks and procedures, Cameroonian law, which is based on the relevant international law, and Cameroonian practice in the area of administrative and legal cooperation, authorize the use of the principle of reciprocity even in the absence of a specific instrument.

Subparagraph (d) — What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

Cameroon is currently a party to the following seven conventions:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civilian Aircraft, signed at Montreal on 23 September 1971;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;
- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991; and
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

In addition, consideration is being given to signing, ratifying or acceding to the following conventions:

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on 10 March 1988;
- Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999;
- International Convention for the Suppression of Terrorist Bombings of 15 December 1997;
- International Convention for the Suppression of the Financing of Terrorism of 9 December 1999; and
- Organization of African Unity Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999.

Constitutional procedures for the entry into force of the last three of these conventions may soon be completed.

Subparagraph (e) — Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

The primacy of conventional norms over domestic law has been enshrined in Cameroon's Constitution since the nation's independence, as is clear from article 40 of the Constitution of 4 March 1960. This provision was reinforced in Act No. 96/06 of 18 January 1996 amending the Constitution of 2 June 1972. Article 45 of this Act states that duly approved or ratified international treaties or agreements, once promulgated, take precedence over laws, provided that the other party implements the agreement or treaty in question.

This means that the conventions and protocols on terrorism to which Cameroon is a party are of direct application and may be invoked before the Cameroonian legal and administrative authorities. Thus, these conventions and protocols may be implemented in respect of acts falling within their scope even where the acts have not been defined as crimes under domestic law. Cameroonian law is clear on this point; article 2 of Act No. 65/LF/24 of 12 November 1965 establishing the Penal Code states that norms of international law and duly promulgated and publicized treaties take precedence over that Code and over any other provision of criminal law.

With respect to Security Council resolutions 1269 (1999) and 1368 (2001), Cameroon, following the example of the United Nations, has never wavered in its unequivocal condemnation of all terrorist acts and, consistent with this position, participates in United Nations efforts to prevent and combat terrorism.

Subparagraph (f) — What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Cameroon's procedure for determining refugee status ensures that asylum-seekers have not carried out or facilitated the perpetration of terrorist acts or participated in such acts. Each application for asylum gives rise to an investigation carried out separately by various specialized offices.

In certain cases, such as the mass exodus of foreign populations, refugee status may be granted en masse after consideration of the case as a whole. However, this would be a provisional emergency measure until the investigation could be completed and the status of each refugee could be established.

Generally speaking, any application for asylum on grounds other than the granting of refugee status is inadmissible; moreover, it is understood that such status shall be granted only to applicants of good character who do not fall within the scope of the inadmissibility or exclusion provisions of the relevant conventions and other documents which are binding upon Cameroon.

Subparagraph (g) — What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

On 23 October 1961, Cameroon became a party to the Convention relating to the Status of Refugees of 28 July 1951. It is also a party to the Protocol relating to the Status of Refugees of 31 January 1967, supplementary to the 1951 Convention, and to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969.

These various instruments contain provisions whose implementation allows the host State not only to screen applicants for refugee status, but also to exercise police powers over refugees' fulfilment of their obligations.

Thus, in Cameroon, no legislation or administrative procedure provides grounds for refusing requests for the extradition of terrorists.

Paragraph 4

Assistance desired

The Government of Cameroon plans to publicize the international instruments on terrorism throughout the national territory, targeting primarily the administrative authorities, remote villages, the legal and military authorities, civil society and the population at large. This operation will be based on an evaluation of human and educational needs which will begin in the very near future as a means of determining what assistance could be requested from the United Nations.

From the purely technological point of view, the specialized offices in Cameroon would like to acquire the latest weapons- and metal-detection equipment for use at both airports and border points. In light of the increasingly sophisticated techniques for the forgery of all types of documents, equipment for the detection of forged documents may also be necessary. When the time comes, the type of United Nations assistance desired in this area may also be evaluated.